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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

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|--|---|
| Application Number<br>Filing Date<br>First Named Inventor<br>Art Unit<br>Examiner Name<br><br>Total Number of Pages in This Submission | 10/660,884<br>September 12, 2003<br>Robert K. Rowe<br>2621<br>Christopher L. Lavin<br><br>Attorney Docket Number<br>020204-001410US |
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### ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>SB/08<br>2 References<br>Return Postcard |
|   |  | <b>Remarks</b><br>The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.  |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                                    |          |        |
|--------------|------------------------------------|----------|--------|
| Firm Name    | Townsend and Townsend and Crew LLP |          |        |
| Signature    |                                    |          |        |
| Printed name | Patrick M. Boucher                 |          |        |
| Date         | January 12, 2006                   | Reg. No. | 44,037 |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

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| Signature             |                   |                  |  |
| Typed or printed name | Janet L. Newmaker |                  |  |
|                       | Date              | January 12, 2006 |  |

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On January 12, 2006

**PATENT**  
Attorney Docket No.: 020204-001410US

TOWNSEND and TOWNSEND and CREW LLP

*Janet L. Newmaker*  
Janet L. Newmaker



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Robert K. Rowe et al.

Application No.: 10/660,884

Filed: September 12, 2003

For: Apparatus And Method For  
Identification Of Individuals By  
Near-Infrared Spectrum

Customer No.: 20350

Confirmation No.: 6953

Examiner: Christopher L. Lavin

Art Unit: 2621

**SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER  
37 CFR §§ 1.97 AND 1.98**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references (in compliance with the requirements of 37 CFR §1.98(a)(2)) are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

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As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account. A duplicate copy of this Statement is enclosed for that purpose.

Respectfully submitted,

*Patrick M. Boucher*  
Patrick M. Boucher  
Reg. No. 44,037

Date: January 12, 2006

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Substitute for form 1449 (7-97) PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

|                        |                      |  |  | <i>Complete if Known</i> |  |
|------------------------|----------------------|--|--|--------------------------|--|
| Application Number     | 10/660,884           |  |  |                          |  |
| Filing Date            | September 12, 2003   |  |  |                          |  |
| First Named Inventor   | Robert K. Rowe       |  |  |                          |  |
| Art Unit               | 2621                 |  |  |                          |  |
| Examiner Name          | Christopher L. Lavin |  |  |                          |  |
| Attorney Docket Number | 020204-001410US      |  |  |                          |  |

Sheet 1 of 2

| <b>U.S. PATENT DOCUMENTS</b> |                       |   |                                |  |   |
|------------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*           | Cite No. <sup>1</sup> | Document Number<br>Number Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|                              | A195                  | US-4,936,680  | 06-26-1990                     | Henkes et al.                                      |   |
|                              | A196                  | US-5,719,399  | 02-17-1998                     | Alfano et al.                                      |   |
|                              | A197                  | US-5,929,443  | 07-27-1999                     | Alfano et al.                                      |   |
|                              | A198                  | US-6,041,247  | 03-21-2000                     | Weckstrom et al.                                   |   |
|                              | A199                  | US-6,404,904 B1   | 06-11-2002                     | Einighammer et al.                                 |   |
|                              |                       |   |                                |  |   |
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|                              |                       |   |                                |  |   |

| <b>FOREIGN PATENT DOCUMENTS</b> |                       |                           |                                   |                                |  |
|---------------------------------|-----------------------|---------------------------|-----------------------------------|--------------------------------|--|
| Examiner Initials*              | Cite No. <sup>1</sup> | Foreign Patent Document   |                                   | Publication Date<br>MM-DD-YYYY | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear |
|                                 |                       | Country Code <sup>3</sup> | Number <sup>4</sup><br>(if known) | Kind Code <sup>5</sup>         |  |
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| Substitute for form 1449B/PTO                            |   |    |   | <b><i>Complete if Known</i></b> |                      |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |   | <i>Application Number</i>       | 10/660,884           |
|  |   |    |   | <i>Filing Date</i>              | September 12, 2003   |
|  |   |    |   | <i>First Named Inventor</i>     | Robert K. Rowe       |
|  |   |    |   | <i>Art Unit</i>                 | 2621                 |
|  |   |    |   | <i>Examiner Name</i>            | Christopher L. Lavin |
| Sheet  | 2 | of | 2 | <i>Attorney Docket Number</i>   | 020204-001410US      |

| <b>NON PATENT LITERATURE DOCUMENTS</b> |                       |   |                |
|--|-----------------------|---|----------------|
| Examiner Initials *                    | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|  | C21                   | Demos, S. G. et al., "Optical Fingerprinting Using Polarisation Contrast Improvement," Electronics Letters, Vol. 33, No. 7, pp. 582-584, March 27, 1997   |                |
|  | C22                   | Marbach, Ralf, "Measurement Techniques For IR Spectroscopic Blood Glucose Determination," Fortschritt Bericht, Series 8: Measurement And Control Technology, No. 346, pp. cover and 1-158, March 28, 1994   |                |
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.